

REMARKS

Pending Claims

Claims 1-18 are cancelled. New claims 19-27 are currently added. Accordingly, claims 19-27 are pending in this Application.

Double Patenting Rejection

The Examiner has rejected the earlier presented claims 1-18 under the doctrine of nonstatutory double patenting. In view of the claim amendments made above, Applicants submit the double patenting rejection as moot. In the event that the Examiner should maintain the double patenting rejection, applicant asserts a terminal disclaimer will be timely filed, if appropriate.

Prior Art Rejection

The Examiner has rejected previously pending claims 1-18 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Brantschen, Shinizu, and Staub. Applicants respectfully traverse this rejection.

The pending claims are drawn to a honey product consisting essentially of a specified amount of natural honey and a specified amount of an extender molecule that results in a reduced calorie and reduced sugar honey product. None of the cited prior art references alone, or in combination discloses or suggests such a product.

Brantschen is cited as disclosing a honey composition comprising honey and sorbite (sorbitol). However, *Brantschen* teaches a honey composition containing a sugar substitute **and** a carbohydrate. The carbohydrate disclosed as useful is levulose (fructose). In contrast to the reference which **adds** fructose to honey, the claimed product requires a reduced amount of fructose. *See, e.g.*, page 2 of *Brantschen*:

Correspondingly, the invention concerns a process for the production of honey for diabetic persons, which is characterized by the fact that bee honey is mixed with a syrup that contains a sugar substitute substance **and** a carbohydrate that is well tolerated by the diabetic person. The best results are obtained with the use of

sorbitate as the sugar substitute substance and of levulose as the well-tolerated carbohydrate. (*Brantschen*, p. 2)

Accordingly, the reference fails to disclose or suggest the claimed invention, and instead teaches away from the claimed invention by disclosing addition of fructose to the honey composition.

Shimizu is cited by the Examiner as teaching oligosaccharides with honey. The reference discloses a honey composition containing a polysaccharide, e.g. polyfructose. However, in contrast to the natural honey of the claimed invention, *Shimizu* requires at least a portion of the honey to be bleached and deodorized. See, for example, at page 4:

In this invention, first we manufacture oligosaccharide-containing honey by making a mixture of pure honey bleached and deodorized by activated charcoal and 10-50 wt.% of pure honey, and then adding 10-40 wt.% of oligosaccharides to the mixture.

Accordingly, the reference fails to disclose or suggest the claimed invention, and instead teaches away from the claimed invention by requiring a portion of the honey to be bleached and deodorized, e.g., removing natural color and scent.

Staub is cited as teaching the use of polysaccharides and polyols in combination with dietary fiber as a sucrose substitute. As a preliminary matter, honey is not equivalent to sucrose. Furthermore, the reference fails to teach or suggest the claimed combination of natural honey and extenders. *Staub* contains no disclosure of any honey product, but relates instead to the use of sucrose substitutes.

Accordingly, none of the cited references, alone or in combination, teach or suggest the invention as claimed. Favorable reconsideration of the amended claims is requested.

U.S. Patent Application Serial No. 10/796,786
Amendment dated April 16, 2007
Reply to Office Action of January 16, 2007

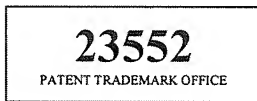
CONCLUSION

In light of the foregoing amendments and remarks, Applicants submit the invention as claimed is in condition for allowance. Notice of such allowance is solicited.

The Examiner is invited to telephone the undersigned attorney for clarification of any of the amendments and remarks, or to otherwise speed prosecution of this case on the merits.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300



Date: 16 April 2007
DMK/mmg

Denise M. Kettelberger
Denise M. Kettelberger
Reg. No. 33,924